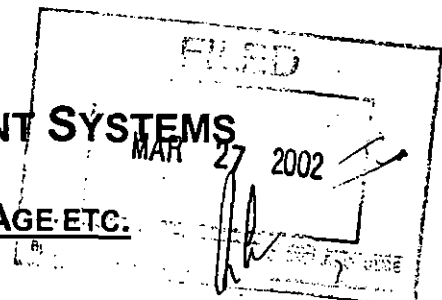


TITLE 303 – PUBLIC EMPLOYEES RETIREMENT SYSTEMS

CHAPTER 5 – TYPES OF EVIDENCE TO DETERMINE AGE ETC.



001. SCOPE OF THIS RULE

001.01. This rule governs the types of proof acceptable to determine age, death, marriage relationships, and parent-child relationships for members and beneficiaries in the retirement systems under the administration of the Nebraska Public Employees Retirement Systems (NPERS). The systems to which this rule applies include: the Retirement System for Nebraska Counties, the Nebraska Retirement Fund for Judges, the Nebraska School Employees Retirement System, the Nebraska State Patrol Retirement System, the State Employees Retirement System, and the State Deferred Compensation Plan.

001.02. If, under the respective retirement systems, proof of age, proof of death, proof of marital status or proof of parent/child relationship is required in order to effect the proper distribution of benefits to a member or the beneficiary of a member, this rule shall govern the types of proof necessary for NPERS to make the legally-required factual determinations.

002. TYPES OF EVIDENCE TO PROVE AGE:

002.01. Preferred evidence: The best type of evidence to prove a member or beneficiary's age is --

002.01A. A birth certificate recorded before age 5;

002.01B. A religious record of birth or baptism recorded before age 5;
or

002.01C. Notification of registration of birth made before age 5.

002.01D. A delayed birth certificate.

Other evidence of age: if an individual cannot obtain preferred evidence of age, he or she will be asked to submit other convincing evidence to prove age. The other evidence may be two or more of the following records, with the records of highest value listed first:

002.01E. Hospital birth record or certificate.

002.01F. Physician's or midwife's birth records.

002.01G. Bible or other family record.

002.01H. Naturalization record.

002.01I. Military record.

002.01J. Immigration record.

002.01K. Passport.

002.01L. Selective service registration record.

002.01M. Employer's record.

002.01N. Marriage record.

002.01O. A statement signed by the individual giving the reason why he or she cannot obtain other convincing evidence of age and the sworn statements of two other persons who have personal knowledge of the age that the individual is trying to prove.

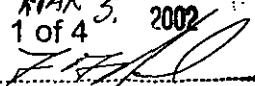
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BY 
Assistant Attorney General

003. TYPES OF EVIDENCE TO PROVE DEATH:

003.01. Preferred evidence of death: the best evidence of a person's death is –

003.01A. A certified copy of or extract from the public record of death, or verdict of the coroner's jury of the state or community where the death occurred; or a certificate or statement of death issued by a local registrar or public health official;

003.01B. A signed statement of the funeral director, attending physician, or official of an institution where death occurred;

003.01C. A certified copy of, or extract from, an official report or finding of death made by an agency or department of the United States or any state; or

003.01D. If death occurred outside the United States, and official report of death by a United States Consul or other authorized employee of the United States Department of State, or a certified copy of the public record of death in a foreign country.

003.02. Other evidence of death: If the preferred evidence of death cannot be obtained, the individual who must furnish evidence of death will be asked to explain the reason thereof and to submit other convincing evidence, such as sworn statements of at least two persons who have personal knowledge of the death. These persons must be able to swear to the date, time, place, and cause of death.

004. EVIDENCE OF A VALID MARRIAGE

004.01. Preferred evidence: preferred evidence of a valid marriage is

004.01A. A copy of the public record of the marriage, certified by the custodian of the record or by an NPERS employee;

004.01B. A copy of a religious record of the marriage certified by the custodian of the record or by an NPERS employee; or

004.01C. The original certificate of marriage.

004.02. Other evidence of a marriage: if preferred evidence of a marriage cannot be obtained, the applicant must state the reason therefor in writing, and submit either –

004.02A. A sworn statement of the clergyperson or official who performed the marriage ceremony; or

004.02B. Other convincing evidence, such as the sworn statements or at least two persons who have direct knowledge of the marriage, preferably eyewitnesses to the marriage ceremony.

005. EVIDENCE THAT A MARRIAGE HAS ENDED.

005.01. Preferred evidence: preferred evidence that a marriage has ended is –

005.01A. A certified copy of the decree of divorce or annulment; or

005.01B. Evidence of the death (see subsection 002 of this section) of a party to the marriage.

005.02. Other evidence that a marriage has ended. If the preferred evidence that a marriage has ended cannot be obtained, the member or beneficiary must explain the reason therefore and submit other convincing evidence that the marriage has ended.

006. EVIDENCE OF PARENT-CHILD RELATIONSHIPS.

006.01. Evidence of natural parent-child relationships.

006.01A. Preferred evidence: If a member or beneficiary is the natural parent or child of a member, preferred evidence of the relationship is a copy of the member's or child's public or religious birth record made before the child was 5. If the record shows the same last name, it will be accepted as valid.

006.01B. Other evidence of natural parent-child relationships: When the preferred evidence of a parent-child relationship cannot be obtained, NPERS may ask the applicant for evidence of one of the following:

006.01Bi. Evidence of the member's marriage or of the marriage of the member's parents, if needed to remove any reasonable doubt of the relationship;

006.01Bii. Evidence that the person claiming to be a child of the presumed parent would be able to inherit under intestate succession laws of the state where the death occurred (or in which the presumed parent had a permanent home); or

006.01Biii. A signed statement from the presumed parent that the person in question is his or her natural child

006.01Biv. A copy of a court order showing that the person in question has been declared to be the child of the presumed parent, or a copy of a court order requiring the presumed parent in question to contribute to the support of the person in question because such person is his or her child,

006.01Bv. Or other such supporting evidence as may be required in order to establish the parent/child relationship.

006.02. Evidence of a stepparent / stepchild relationship: NPERS may require evidence by means of the measures as specified in 005.01 or 005.02 to show a child's relationship (natural or adoptive) with the spouse of the presumed stepparent and that a valid marriage existed between the presumed stepparent and the spouse.

006.03. Evidence of a parent-child relationship by legal adoption:

006.03A. Preferred evidence of legal adoption include:

006.03Ai. A copy of the decree or order of adoption, certified by the custodian of the record;

006.03Aii. A photocopy of the decree or order of adoption; or

006.03Aiii. Evidence that the spouse of a decedent adopted the children of the decedent after the decedent's death, as specified in the above two subsections.

006.03B. Other evidence of legal adoption: In the event that the record of adoption is sealed by court order or by law, NPERS will accept as proof of adoption an official notice received by the adopting parents at the time of adoption that the adoption has been completed or a birth certificate issued as a result of the adoption proceeding.

Statutory Authority:

County

Neb. Rev. Stat. § 23-2305

Neb. Rev. Stat. § 23-2312

Judges

Neb. Rev. Stat. § 24-704

School

Neb. Rev. Stat. § 79-904

Neb. Rev. Stat. § 79-906

Neb. Rev. Stat. § 79-907

Patrol

Neb. Rev. Stat. § 81-2019

Neb. Rev. Stat. § 81-2021

State

Neb. Rev. Stat. § 84-1305

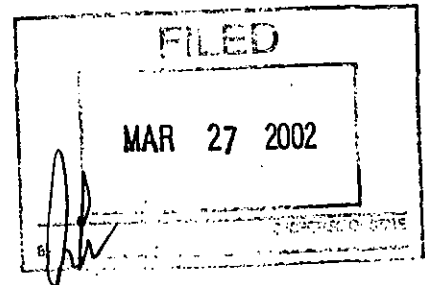
Neb. Rev. Stat. § 84-1305.01

PERB

Neb. Rev. Stat. § 84-1503

Neb. Rev. Stat. § 84-1504

Neb. Rev. Stat. § 84-1512



APPROVED

8 MAR 27 2002

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